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EXAMINER

SANTIAGO CORDERO, MARIVELISSE

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,443

Applicant(s)

REYES, JOE

Examiner

Marivelisse Santiago-Cordero

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner's Remarks

1. Claim 13 is not present in the amended claims. For examination on the merits, original claim 13 will be considered.

Response to Arguments

2. Applicant's arguments filed on 12/28/05, regarding claim 7, have been fully considered but they are not persuasive.

Regarding claim 7, in response to applicant's arguments that Scheuer does not teach disabling a stuck PTT switch without affecting the activity of the other PTT switches (See Remarks: page 12), the Examiner notes that this limitation is taught by Yao as stated in the last Office Action. In response to applicant's arguments that Yao does not teach or suggest disabling a stuck PTT switch without affecting the activity of the other PTT switches (See Remarks: page 13), the Examiner respectfully disagrees. Yao discloses that when a PTT switch becomes stuck, an indication that the PTT button has been released is sent in order to grant talker privileges to another unit, i.e., other PTT switches; hence, without affecting the activity of the other PTT switches as claimed.

3. Applicant's arguments with respect to claims 1-6, 9-11, and 12-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battin et al. (hereinafter "Battin"; Patent No.: 3,500,459, cited in form PTO-892, paper no. 20050920) in view of Yao et al (hereinafter "Yao"; Patent No.: 5,983,114, cited in form PTO-892, paper no. 20050920).

Regarding claim 12, Battin discloses, in a communication system having one or more push-to-talk (PTT) switches that each have at least an ON position and an OFF position (Fig. 1; Abstract), and one or more radio transmitters that may be selectively coupled to receive a signal representative of each PTT switch position (Abstract; note the transmitter), a method for dealing with a STUCK-ON condition of a PTT switch (Abstract; col. 1, lines 44-51), the method comprising the steps of: determining whether a PTT switch is in the STUCK-ON condition (col. 2, lines 28-40); and if so, inhibiting the signal representative of the position of the PTT switch that is in the STUCK-ON condition from being received by each radio transmitter (Abstract; col. 2, lines 28-40 and 47-52).

Battin fails to disclose inhibiting the signal representative of the position of the PTT switch that is in the STUCK-ON condition from being received by each radio transmitter **without affecting the activity of other PTT switches available to be coupled to the one or more radio transmitters.**

However, Yao, in a method for dealing with a STUCK-ON condition of a PTT switch (col. 2, lines 39-47), discloses inhibiting the signal representative of the position of the PTT switch that is in the STUCK-ON condition from being received by each radio transmitter

without affecting the activity of other PTT switches available to be coupled to the one or more radio transmitters (from col. 2, line 58 through col. 3, line 3).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to inhibit the signal representative of the position of the PTT switch that is in the STUCK-ON condition from being received by each radio transmitter of Battin without affecting the activity of other PTT switches available to be coupled to the one or more radio transmitters as suggested by Yao.

One of ordinary skill in this art would have been motivated to inhibit the signal representative of the position of the PTT switch that is in the STUCK-ON condition from being received by each radio transmitter of Battin without affecting the activity of other PTT switches available to be coupled to the one or more radio transmitters because it would grant the other radio transmitters with talking privileges (Yao: from col. 2, line 58 through col. 3, line 3).

Regarding claim 13, in the obvious combination, Battin discloses wherein the step of determining whether a PTT switch is in the STUCK-ON condition comprises determining that the PTT switch has been in the ON position for a predetermined period of time (Abstract; col. 2, lines 28-40).

Regarding claim 14, in the obvious combination, Battin discloses further comprising the step of turning on an ALARM to notify a user that the STUCK-ON condition has occurred (col. 2, lines 47-52).

6. Claims 1, 3-4, 12-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutty et al. (hereinafter "Rutty"; Patent No.: 4,551,854, cited in form PTO-892, paper no. 20050920) in view of Yao.

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Regarding claim 1, Rutty discloses an aircraft communication system (col. 1, lines 8-14), comprising: a plurality of radios (col. 1, lines 8-14); a plurality of push-to-talk (PTT) switches (col. 1, lines 1-8 and 23-30; note that there is a PTT switch for each radio; hence, a plurality of PTT switches), each PTT switch a having at least an ON position and an OFF position and configured to supply an ON/OFF signal representative of the position of the PTT switch (Fig. 1, reference numeral 54; col. 1, lines 23-30); a controller in operable communication with each radio and coupled to receive the ON/OFF signal from each PTT switch (Fig. 1; col. 1, lines 24-29; col. 3, lines 32-46; col. 4, lines 1-8), the controller configured, in response to the ON/OFF signal, to (i) selectively enable one or more of the radios to transmit (col. 4, lines 39-68; col. 10, lines 58-64) (ii) determine whether each PTT switch is stuck in the ON position (col. 3, lines 32-38; col. 4, lines 1-17) and (iii) when a PTT switch is stuck in the ON position, to selectively disable transmission from one or more of the radios (col. 1, lines 1-8).

Rutty fails to disclose selectively disable transmission from one or more of the radios **without affecting the activity of other PTT switches available to be coupled to the one or more radio transmitters.**

However, Yao, in a system for dealing with a STUCK-ON condition of a PTT switch (col. 2, lines 39-47), discloses selectively disable transmission from one or more of the radios **without affecting the activity of other PTT switches available to be coupled to the one or more radio transmitters** (from col. 2, line 58 through col. 3, line 3).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to selectively disable transmission from one or more of the radios of Rutty

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without affecting the activity of other PTT switches available to be coupled to the plurality of the radios as suggested by Yao.

One of ordinary skill in this art would have been motivated to selectively disable transmission from one or more of the radios of Rutty without affecting the activity of other PTT switches available to be coupled to the plurality of the radios because it would grant the other radio transmitters with talking privileges (Yao: from col. 2, line 58 through col. 3, line 3).

Regarding claim 3, in the obvious combination, Rutty discloses the system of claim 1 (see above), further comprising: one or more timer circuits (Fig. 1, reference numeral 136; col. 12, lines 18-27), each timer circuit configured to supply a time signal when at least one of the PTT switches is in the ON position (col. 4, lines 1-8; col. 12, lines 18-27), wherein the controller determines that a PTT switch is stuck in the ON position (col. 4, lines 1-8; col. 12, lines 18-27), a time signal indicates the PTT switch has been in the ON position for at least a predetermined time value (col. 4, lines 1-8; col. 12, lines 18-27).

Regarding claim 4, in the obvious combination, Rutty discloses the system of claim 3 (see above), further comprising: a memory circuit in operable communication with the controller, the memory circuit having at least the predetermined time value stored therein (col. 4, lines 1-8; note that the memory circuit is inherently present in order for the system to know the predetermined time value).

Regarding claim 12, in the obvious combination, Rutty discloses, in a communication system having one or more push-to-talk (PTT) switches that each have at least an ON position and an OFF position (Fig. 1, reference numeral 54), and one or more radio transmitters that may be selectively coupled to receive a signal representative of each PTT switch position (Fig. 1,

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reference numeral 12; col. 7, lines 58-64), a method for dealing with a STUCK-ON condition of a PTT switch (col. 3, lines 32-38), the method comprising the steps of: determining whether a PTT switch is in the STUCK-ON condition (col. 4, lines 1-8); and if so, inhibiting the signal representative of the position of the PTT switch that is in the STUCK-ON condition from being received by each radio transmitter (col. 4, lines 1-8).

Rutty fails to disclose inhibiting the signal representative of the position of the PTT switch that is in the STUCK-ON condition from being received by each radio transmitter **without affecting the activity of other PTT switches available to be coupled to the one or more radio transmitters.**

However, Yao, in a method for dealing with a STUCK-ON condition of a PTT switch (col. 2, lines 39-47), discloses inhibiting the signal representative of the position of the PTT switch that is in the STUCK-ON condition from being received by each radio transmitter **without affecting the activity of other PTT switches available to be coupled to the one or more radio transmitters** (from col. 2, line 58 through col. 3, line 3).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to inhibit the signal representative of the position of the PTT switch that is in the STUCK-ON condition from being received by each radio transmitter of Rutty without affecting the activity of other PTT switches available to be coupled to the one or more radio transmitters as suggested by Yao.

One of ordinary skill in this art would have been motivated to inhibit the signal representative of the position of the PTT switch that is in the STUCK-ON condition from being received by each radio transmitter of Battin without affecting the activity of other PTT switches

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available to be coupled to the one or more radio transmitters because it would grant the other radio transmitters with talking privileges (Yao: from col. 2, line 58 through col. 3, line 3).

Regarding claim 13, in the obvious combination, Rutty discloses the method of claim 12 (see above), wherein the step of determining whether a PTT switch is in the STUCK-ON condition comprises determining that the PTT switch has been in the ON position for a predetermined period of time (col. 1, lines 1-8; col. 6, lines 23-29).

Regarding claim 15, Rutty discloses an audio control panel comprising: a controller adapted to receive an ON/OFF signal from each of a plurality of push-to-talk (PTT) switches having at least an ON position and an OFF position (Fig. 1; col. 1, lines 24-29; col. 12, lines 28-64; note that there is a PTT switch for each radio; hence, a plurality of PTT switches), the controller configured, in response to the ON/OFF signals, to (i) selectively supply one or more radio enable signals (col. 4, lines 39-68; col. 10, lines 58-64) (ii) determine whether each PTT switch is stuck in an ON position (col. 3, lines 32-38; col. 4, lines 1-17) and (iii) when a PTT switch is stuck in the ON position, to selectively supply one or more radio disable signals (col. 1, lines 1-8).

Rutty fails to disclose selectively supplying one or more radio disable signals **without affecting the activity of other PTT switches**.

However, Yao, in a system for dealing with a STUCK-ON condition of a PTT switch (col. 2, lines 39-47), discloses selectively supplying one or more radio disable signals **without affecting the activity of other PTT switches** (from col. 2, line 58 through col. 3, line 3).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to selectively supplying one or more radio disable signals of Ratty without affecting the activity of other PTT switches as suggested by Yao.

One of ordinary skill in this art would have been motivated to selectively supplying one or more radio disable signals without affecting the activity of other PTT switches because it would grant the other radio transmitters with talking privileges (Yao: from col. 2, line 58 through col. 3, line 3).

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ratty in combination with Yao (hereinafter "Ratty/Yao") as applied to claim 1 above and further in view of Clark et al. (hereinafter "Clark"; Patent No.: 5,148,159, cited in form PTO-892, paper no. 20050920).

Regarding claim 2, Ratty/Yao disclose the system of claim 1 (see above). Ratty/Yao fail to disclose further comprising: an input buffer coupled between each PTT switch and the controller and configured to supply the buffered ON/OFF signals to the controller.

However, Clark discloses an input buffer coupled between each PTT switch and the controller and configured to supply the buffered ON/OFF signals to the controller (col. 6, lines 50-65; note that Clark discloses push button switches which are being interpreted as the PTT switches of Ratty/Yao).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate an input buffer coupled between each PTT switch and the controller of Ratty/Yao and configured to supply the buffered ON/OFF signals to the controller as suggested by Clark.

One of ordinary skill in this art would have been motivated to incorporate an input buffer coupled between each PTT switch and the controller and configured to supply the buffered ON/OFF signals to the controller because it could supply a properly conditioned input signal (Clark: col. 6, lines 50-65).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rutty/Yao as applied to claim 1 above and further in view of Scheuer (Patent No.: 6,160,496, cited in form Pto-892, paper no. 20050920).

Regarding claim 5, Rutty/Yao disclose the system of claim 1 (see above). Rutty/Yao fail to disclose further comprising: a plurality of selection switches coupled to the controller, each selection switch configured to supply a radio selection signal, wherein the controller is further configured, in response to the radio selection signal, to determine which of the radios to selectively enable to transmit.

However, Scheuer discloses an aircraft communication system further comprising: a plurality of selection switches coupled to the controller (Fig. 1, reference numerals 104 and 244), each selection switch configured to supply a radio selection signal (col. 1, lines 27-35; col. 2, lines 4-13; col. 3, lines 14-23; col. 5, lines 41-62), wherein the controller is further configured, in response to the radio selection signal, to determine which of the radios to selectively enable to transmit (Fig. 2; col. 1, lines 27-35; col. 2, lines 4-13; col. 3, lines 14-23 and 40-42; col. 5, lines 41-62).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to couple to the controller of Rutty/Yao a plurality of selection switches, each selection switch configured to supply a radio selection signal, wherein the controller is

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further configured, in response to the radio selection signal, to determine which of the radios to selectively enable to transmit as suggested by Scheuer.

One of ordinary skill in this art would have been motivated to couple to the controller a plurality of selection switches, each selection switch configured to supply a radio selection signal, wherein the controller is further configured, in response to the radio selection signal, to determine which of the radios to selectively enable to transmit because conventional audio selector panels have inputs for at least two communication transceivers (Scheuer: col. 1, lines 27-28).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruttu/Yao as applied to claim 1 above and further in view of Battin.

Regarding claim 6, Ruttu/Yao disclose the system of claim 1 (see above). Ruttu/Yao fail to disclose wherein the controller is further configured to supply an alarm signal when a PTT switch is determined to be stuck in the ON position, and wherein the system further comprises: an aircraft display unit (ADU) in operable communication with the controller and configured to supply an alarm upon receipt of the alarm signal.

However, Battin discloses wherein the controller is further configured to supply an alarm signal when a PTT switch is determined to be stuck in the ON position (col. 2, lines 47-52), and wherein the system further comprises: an aircraft display unit (ADU) in operable communication with the controller and configured to supply an alarm upon receipt of the alarm signal (col. 2, lines 47-52).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to supply an alarm signal when the PTT switch of Ruttu/Yao is

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determined to be stuck in the ON position and wherein the system further comprises: an aircraft display unit (ADU) in operable communication with the controller and configured to supply an alarm upon receipt of the alarm signal as suggested by Battin.

One of ordinary skill in this art would have been motivated to supply an alarm signal when the PTT switch is determined to be stuck in the ON position and wherein the system further comprises: an aircraft display unit (ADU) in operable communication with the controller and configured to supply an alarm upon receipt of the alarm signal because the operator of the transmitter will be notified that the emission is being blocked (Battin: col. 2, lines 47-52).

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruty in views of Scheuer (Patent No.: 6,610,496, cited in form PTO-892, paper no. 20050920) and Yao.

Regarding claim 7, Ruty discloses an apparatus for handling a STUCK-ON condition of a push-to-talk (PTT) switch coupled to a plurality of radio transmitter (col. 3, lines 32-38), comprising: a PTT switch configured to supply a PTT ON/OFF signal (Fig. 1, reference numeral 54; col. 4, lines 13-17); a controller coupled to the PTT switch and each of the radio transmitters (Fig. 1), and configured to: (i) receive the PTT ON/OFF signal and the radio selection signal (Fig. 1; col. 4, lines 39-45); (iii) determine whether the PTT switch is in the STUCK-ON condition (col. 4, lines 1-8); (iv) until the STUCK-ON condition occurs, supply either a TRANSMIT or a STANDBY command to the selected radio transmitter based on the PTT switch ON/OFF signal (col. 4, lines 1-8), to thereby cause the selected radio transmitter to transmit or not transmit, respectively (col. 4, lines 1-8); and (v) when the STUCK-ON condition occurs, ignore the PTT switch ON/OFF signal and place the selected radio transmitter in STANDBY (col. 4, lines 1-8).

Rutty fails to disclose a plurality of selection switches, each selection switch configured to supply a radio selection signal; a controller coupled to each of the selection switches; receive the PTT ON/OFF signal and the radio selection signal **from each selection switch**; and placing the selected radio transmitter in STANDBY **without affecting the activity of other PTT switches available to be coupled to the radio transmitter**.

However, Scheuer discloses a plurality of selection switches (Fig. 1, reference numerals 104 and 244), each selection switch configured to supply a radio selection signal (col. 1, lines 27-35; col. 2, lines 4-13; col. 3, lines 14-23; col. 5, lines 41-62); a controller coupled to each of the selection switch (col. 3, lines 14-23 and 40-42); and receive the PTT ON/OFF signal and the radio selection signal **from each selection switch** (Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate in the apparatus for handling a stuck-on condition of a PTT switch of Rutty, a plurality of selection switches, each selection switch configured to supply a radio selection signal, a controller coupled to each of the selection switch and receive the PTT ON/OFF signal and the radio selection signal from each selection switch as suggested by Scheuer.

One of ordinary skill in this art would have been motivated to incorporate in the apparatus for handling a stuck-on condition of a PTT switch of Rutty, a plurality of selection switches, each selection switch configured to supply a radio selection signal, a controller coupled to each of the selection switch, and receive the PTT ON/OFF signal and the radio selection signal from each selection switch because conventional audio selector panels have inputs for at least two communication transceivers (Scheuer: col. 1, lines 27-28).

Rutty in combination with Scheuer fail to disclose placing the selected radio transmitter in STANDBY **without affecting the activity of other PTT switches available to be coupled to the plurality of radio transmitters.**

However, Yao, in an apparatus for handling a STUCK-ON condition of a push-to-talk (PTT) switch coupled to a radio transmitter (col. 2, lines 39-47), discloses placing the selected radio transmitter in STANDBY **without affecting the activity of other PTT switches available to be coupled to the plurality of radio transmitters** (from col. 2, line 58 through col. 3, line 3).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to place the selected radio transmitter in STANDBY of Rutty in combination with Scheuer without affecting the activity of other PTT switches available to be coupled to the radio transmitter as suggested by Yao.

One of ordinary skill in this art would have been motivated to place the selected radio transmitter in STANDBY without affecting the activity of other PTT switches available to be coupled to the radio transmitter because it would grant other radio transmitters with talking privileges (Yao: from col. 2, line 58 through col. 3, line 3).

11. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutty in combination with Scheuer and Yao as applied to claim 7 above, and further in view of Clark.

Regarding claim 8, Rutty in combination with Scheuer and Yao disclose the apparatus of claim 7 (see above). Rutty fails to disclose further comprising: an input buffer coupled between each PTT switch and the controller and configured to supply the buffered ON/OFF signals to the controller.

However, Clark discloses an input buffer coupled between each PTT switch and the controller and configured to supply the buffered ON/OFF signals to the controller (col. 6, lines 50-65; note that Clark discloses push button switches which are being interpreted as the PTT switches of Ruttly in combination with Scheuer and Yao).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate an input buffer coupled between each PTT switch and the controller of Ruttly in combination with Scheuer and Yao and configured to supply the buffered ON/OFF signals to the controller as suggested by Clark.

One of ordinary skill in this art would have been motivated to incorporate an input buffer coupled between each PTT switch and the controller and configured to supply the buffered ON/OFF signals to the controller because it could supply a properly conditioned input signal (Clark: col. 6, lines 50-65).

Regarding claim 9, in the obvious combination, Ruttly discloses further comprising: a timer circuits configured to selectively supply a time signal (Fig. 1, reference numeral 136), wherein the controller determines that the STUCK-ON condition occurs when the time signal exceeds a predetermine threshold (col. 4, lines 1-8).

Regarding claim 10, in the obvious combination, Ruttly discloses further comprising: a memory circuit in operable communication with the controller, the memory circuit having at least the predetermined time value stored therein (col. 4, lines 1-8; note that the memory circuit is inherently present in order for the system to know the predetermined time value).

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruttly in combination with Scheuer and Yao as applied to claim 7 above, and further in view of Battin.

Regarding claim 11, Rutty in combination with Scheuer and Yao disclose the apparatus of claim 7 (see above). Rutty in combination with Scheuer and Yao fail to disclose wherein the controller is further configured to supply an alarm signal when a PTT switch is determined to be stuck in the ON position, and wherein the system further comprises: an aircraft display unit (ADU) in operable communication with the controller and configured to supply an alarm upon receipt of the alarm signal.

However, Battin discloses wherein the controller is further configured to supply an alarm signal when a PTT switch is determined to be stuck in the ON position (col. 2, lines 47-52), and wherein the system further comprises: an aircraft display unit (ADU) in operable communication with the controller and configured to supply an alarm upon receipt of the alarm signal (col. 2, lines 47-52).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to supply an alarm signal when the PTT switch of Rutty in combination with Scheuer and Yao is determined to be stuck in the ON position and wherein the system further comprises: an aircraft display unit (ADU) in operable communication with the controller and configured to supply an alarm upon receipt of the alarm signal as suggested by Battin.

One of ordinary skill in this art would have been motivated to supply an alarm signal when the PTT switch is determined to be stuck in the ON position and wherein the system further comprises: an aircraft display unit (ADU) in operable communication with the controller and configured to supply an alarm upon receipt of the alarm signal because the operator of the transmitter will be notified that the emission is being blocked (Battin: col. 2, lines 47-52).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Corrigan et al. (Patent No.: 4,549,309) discloses overcoming problems associated with stuck microphones applicable to aircraft voice communications; Grob et al. (Patent No.: 5,960,362) discloses access to a dispatch system caused by permanently pressed PTT switch; and Kawai (JP 55-093327) discloses long-time pressing prevention unit in press-to-talk radio communications.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msc 2/8/06

MSC


2/14/06
LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER